

KEANE & ASSOCIATES

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Attorney for Defendant, Travelers Casualty

Company of America

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VARCADIPANE & PINNISSI, P.C.,

Plaintiff,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,

Defendant.

:
: Civil Action No: _____
:
: Removed from:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: BERGEN COUNTY
: Docket No: BER-L-002334-20
:
:
:

NOTICE OF REMOVAL

TO: **Clerk of the Court**
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Jeffrey W. Varcadipane, Esq.
Varcadipane & Pinnissi, P.C.
80 West Century Road, Ste. 302
Paramus, New Jersey 07652
Attorneys for Plaintiff Varcadipane & Pinnissi, P.C.

COMES NOW, Defendant The Travelers Casualty Insurance Company of America (“Travelers”), by and through its attorneys, Keane & Associates, and hereby invokes this Court’s jurisdiction under the provisions of 28 USC 1332(a), 1441 and 1446, stating the following grounds

in support of the removal of the above-captioned case from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey.

1. The above-captioned action was commenced by Plaintiff Varcadipane & Pinnissi, P.C. (“Plaintiff”) in the Superior Court of New Jersey, Law Division, Bergen County, by the filing of a Summons and Complaint on or about April 16, 2020. The Bergen County Clerk’s Office assigned this action Docket No. BER-L-002334-20 (the “State Action”).

2. A copy of Plaintiff’s Summons and Complaint is hereto annexed as **Exhibit A**.

3. In the State Action, Plaintiff asserts claims against Travelers seeking a judgment declaring that Travelers must pay for business interruption losses arising out of water damage to Plaintiff’s office and that Travelers breached its contract with Plaintiff..

4. Removal of this action from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey is proper under 28 U.S.C. Section 1441(a). The Federal Court would have had original jurisdiction of this action, pursuant to 28 U.S.C. Section 1332 and based upon diversity of citizenship, had this action been commenced in Federal Court in the first instance.

7. Upon information and belief, Plaintiff Varcadipane & Pinnissi, P.C. is a professional corporation with its principal place of business in Bergen County, New Jersey.

8. Travelers is a Connecticut corporation with its principal office for the transaction of business in the State of Connecticut and is, therefore, a citizen of the State of Connecticut.

10. Upon information and belief, the amount in controversy exceeds the sum of value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

11. Pursuant to 28 U.S.C. Section 1332(a)(1), the District Courts shall have original jurisdiction of this proceeding.

12. This Notice of Removal is timely because the Complaint in this action was served on Travelers on April 24, 2020, and this notice was filed within thirty (30) days of receipt of that pleading and within one year of the date upon which this action is commenced.

13. Travelers submits this Notice of Removal without waiving any defenses to Plaintiff's claims or conceding that Plaintiff has pled any claims upon which relief may be granted. Further, by filing this Notice of Removal, Travelers does not waive any defenses with respect to adequacy or effectiveness of service of process.

15. Contemporaneous with the filing of this Notice of Removal with the United States District Court for the District of New Jersey, Travelers is also filing a Notice of Filing of Notice of Removal with the Clerk of the Superior Court of New Jersey, Law Division, Bergen County.

WHEREFORE, Defendant The Travelers Casualty Insurance Company of America respectfully requests that the State Action be removed from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey.

Dated: May 18, 2020

KEANE & ASSOCIATES

By: /s/Brent S. Usery
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*Attorneys for Defendant
The Travelers Casualty Insurance Company
of America*

CERTIFICATION OF SERVICE

I hereby certified that on May 18, 2020, a copy of the foregoing **Notice of Removal with Exhibits** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the District of New Jersey's Local Rules and the District of New Jersey's Rules on Electronic Service upon the following parties and participants via regular mail and email:

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/s/Brent S. Usery
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